

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference Case 22212 WO	FOR FURTHER ACTION	
International application No. PCT/EP2004/010283	International filing date (day/month/year) 15/09/2004	(Earliest) Priority Date (day/month/year) 23/09/2003
see Form PCT/ISA/220 as well as, where applicable, item 5 below.		
Applicant DSM IP ASSETS B.V.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box II).

3. **Unity of invention is lacking** (see Box III).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

- b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/010283

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/30 A61P3/04 A61K35/78 A61P3/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A23L A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, FSTA, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>DATABASE WPI Section Ch, Week 199349 Derwent Publications Ltd., London, GB; Class B05, AN 1993-391675 XP002312934 & JP 05 292885 A (ASAHI DENKA KOGYO KK) 9 November 1993 (1993-11-09) abstract</p> <p>-----</p>	1,2,5-7, 10,11
X	<p>N. SHIRAI ET AL.: NUTRITION RESEARCH., vol. 23, no. 7, July 2003 (2003-07), pages 959-969, XP002312933 abstract paragraph '0002!</p> <p>-----</p> <p>-/-</p>	1,2,5-7, 10,11

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

17 January 2005

Date of mailing of the international search report

26/01/2005

Name and mailing address of the ISA

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INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/010283

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	PATENT ABSTRACTS OF JAPAN vol. 0145, no. 62 (C-0788), 13 December 1990 (1990-12-13) & JP 02 243622 A (NIPPON OIL & FATS CO LTD), 27 September 1990 (1990-09-27) abstract -----	1
A	WO 02/072086 A (CONSORZIO PER GLI STUDI UNI ; SUZUKI HISANORI (IT)) 19 September 2002 (2002-09-19) claims 1,4 -----	1-16
X	WO 02/39822 A (OHISHI SUSUMU ; IWASAKI MASAKI (JP); KAO CORP (JP); OGURA YOSHIKAZU (J) 23 May 2002 (2002-05-23) claims; example 6 -----	1,2, 11-16
P,X	WO 2004/041257 A (TEIXEIRA SANDRA RENATA ; WEBER PETER (DE); RAEDERSTORFF DANIEL (FR); D) 21 May 2004 (2004-05-21) the whole document -----	1,2,5-7, 10-16

INTERNATIONAL SEARCH REPORT

International application No.
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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: 17, 18 because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 17 and 18 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/010283

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
JP 5292885	A	09-11-1993	NONE		
JP 02243622	A	27-09-1990	NONE		
WO 02072086	A	19-09-2002	IT VR20010031 A1		12-09-2002
			EP 1411920 A2		28-04-2004
			WO 02072086 A2		19-09-2002
WO 0239822	A	23-05-2002	JP 3329799 B2		30-09-2002
			JP 2002142677 A		21-05-2002
			JP 3342698 B2		11-11-2002
			JP 2002238518 A		27-08-2002
			CN 1474653 T		11-02-2004
			EP 1333726 A2		13-08-2003
			WO 0239822 A2		23-05-2002
			US 2004028793 A1		12-02-2004
WO 2004041257	A	21-05-2004	WO 2004041257 A2		21-05-2004